

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC., PRODUCTS
LIABILITY LITIGATION**

Hosea, et al. v. UniFirst Corporation, et al.,)
N.D. Indiana, C.A. No. 1:14-01878)

MDL No. 2419

ORDER REINSTATING STAY OF CONDITIONAL TRANSFER ORDER

On September 22, 2014, the Panel filed in this docket a conditional transfer order pertaining to this action (*Birge*). In the absence of any known opposition to the proposed transfer, the stay of transmittal with regard to *Hosea* was lifted on September 30, 2014, and the action was transferred to the District of Massachusetts. Subsequently, on October 6, 2014, the Panel received a motion to reinstate the conditional transfer order filed by certain anonymous defendants in *Hosea*. In their motion, defendants, through counsel, assert they never received a copy of the Panel's September 22, 2014, order, and that this was the cause of their failure to submit a timely notice of opposition. Appended to defendants' motion is a notice of opposition.

Recourse to available sources confirms that the Panel did not serve defendants with notice of the September 22, 2014, conditional transfer order. The Panel is persuaded that these circumstances justify reinstatement of the conditional transfer order in *Hosea* in order to permit defendants to pursue their opposition to transfer.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-47 filed on September 22, 2014, is REINSTATED.

IT IF FURTHER ORDERED that defendants' notice of opposition is deemed filed as of the date of this order.

FOR THE PANEL:

I hereby certify on 10/6/14 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☒ electronically filed original filed on 10/6/14
☐ original filed in my office on _____
 Robert M. Farrell
 Clerk, U.S. District Court
 District of Massachusetts
 By: Sherry Jones
 Deputy Clerk

Jeffery N. Luthi
 Jeffery N. Luthi
 Clerk of the Panel